

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Tony L. Ellison

v.

Case No. 07-cv-131-JL

NH Department of Corrections, et al.

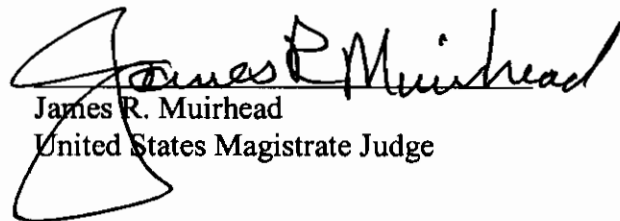
ORDER

The plaintiff's complaint in this matter included a jury trial request. Subsequently both parties submitted separate discovery plans. By endorsed order dated February 4, 2008, this court approved the defendants' discovery plan, which requested a bench trial in this case. Neither in his discovery plan nor in any other pleading did the plaintiff waive his request for a jury trial.

Apparently based upon the court's adoption of the defendant's discovery plan, the clerk's office erroneously set this case for a bench trial for a two week period by trial notices dated February 4, 2008 and October 7, 2008. Upon a review of the record, it is apparent that the clerk's office inadvertently divested the plaintiff of his right to a jury trial in the above-captioned matter. Thus, the clerk's office shall issue a new trial notice and reschedule this matter for a jury trial as the calendar permits.

SO ORDERED.

Date: October 27, 2008


James R. Muirhead
United States Magistrate Judge

cc: Tony L. Ellison, pro se
Danielle Leah Pacik, Esq.